

HON. JOHN C. COUGHENOUR

JOHN McKAY, United States Attorney
BRIAN C. KIPNIS, Assistant United States Attorney
601 Union Street, Suite 5100
Seattle, WA 98101-3903
(206) 553-7970

THOMAS L. SANSONETTI, Asst. Attorney General
JEAN WILLIAMS, Section Chief
WAYNE D. HETTENBACH, Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife and Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

WASHINGTON TOXICS COALITION,)
NORTHWEST COALITION FOR)
ALTERNATIVES TO PESTICIDES,) Case No. C01-0132
PACIFIC COAST FEDERATION OF)
FISHERMEN'S ASSOCIATIONS, and) **FEDERAL DEFENDANTS'**
INSTITUTE FOR FISHERIES RESOURCES,) **MOTION FOR LEAVE TO FILE**
) **OUT OF TIME**

Plaintiffs,

vs.

ENVIRONMENTAL PROTECTION AGENCY,
and MARIANNE LAMONT HORINKO

Defendants.

vs.

AMERICAN CROP PROTECTION ASSOC. et al

Intervenor-Defendants

FEDERAL DEFENDANTS' MOTION FOR LEAVE TO FILE
OUT OF TIME

Case No. C01-0132

Environment & Natural Resources Div.
U.S. Department of Justice
Ben Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

The Federal Defendants' proposed form of injunctive relief was due filed with this Court on October 2, 2003. Consistent with the agreement of the parties, the Federal Defendants exchanged the proposed order with the parties in advance of the filing date. On October 2, 2003, the Federal Defendants served all parties with their Notice of Filing and Form of Injunction and Order on Interim Relief. The Federal Defendants intended to file their notice and proposed order with the Court on October 2, 2003, and took steps to do so as they had done throughout the two years of filings in this case. However, for this filing, as a result of a breakdown in communications between counsel located in Washington, DC and counsel in Seattle, WA, the notice and proposed order were inadvertently not filed with the court.

Undersigned counsel apologizes to the Court for this inadvertent failure to timely file the Federal Defendants' notice and proposed order. None of the parties to this matter were prejudiced by the Federal Defendants' failure to file, as the parties had been served and there were no other responsive pleadings to be filed related to the notice and proposed order. Upon being contacted by and at the request of the Court's chambers, a copy of this Motion for Leave and the Federal Defendants Notice of Filing Form of Injunction and Order on Interim Relief are being faxed to chambers.

Accordingly, the Federal Defendants respectfully request that this Court allow the filing of Federal Defendants Notice of Filing Form of Injunction and Order on Interim Relief.

Respectfully submitted,

JOHN McKAY, United States Attorney
BRIAN C. KIPNIS, Assistant United States Attorney

THOMAS L. SANSONETTI, Asst. Attorney General
JEAN WILLIAMS, Section Chief

/s/ Date: 11/4/03
WAYNE D. HETTENBACH, Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division

FEDERAL DEFENDANTS' MOTION FOR LEAVE TO FILE
OUT OF TIME

Case No. C01-0132

Environment & Natural Resources Div.
U.S. Department of Justice
Ben Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

Wildlife and Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

Attorneys for Defendants

Of Counsel:

Mark Dyner,
Environmental Protection Agency,
Office of General Counsel

FEDERAL DEFENDANTS' MOTION FOR LEAVE TO FILE
OUT OF TIME

Case No. C01-0132

Environment & Natural Resources Div.
U.S. Department of Justice
Ben Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213